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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,879	02/02/2004	Mitsugu Fukui	14759-003001	1055
20985	7590	07/13/2005		EXAMINER
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081				PAHNG, JASON Y
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/770,879	FUKUI, MITSUGU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Y. Pahng	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 June 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 02 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/2/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1-15, in the reply filed on June 27, 2005 is acknowledged.

### ***Claim Objections***

Claims 1, 3, and 6 are objected to because of the following informalities:

Regarding claim 1, line 5, the phrase, "pair of rotary blade units," is unnecessarily confusing. A more specific phrase, such as "pair of lower rotary blade units," "pair of main rotary blade units," or "pair of first rotary blade units" is required. Appropriate correction is required.

Regarding claim 1, line 12, it is unnecessarily confusing as to which elements "the respective rotary blade units" refers to.

Also, regarding claim 1, line 12, it is not clear which elements "their" refers to.

With regard to claims 3 and 6, line 2, it appears that the phrase, "cut-pieces removal holes," should be changed to, "cut-piece removal holes."

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rota (US 5,609,307) in view of Applicant's Admitted Prior Art (AAPA).

With regard to claim 1, Rota discloses a shredder including a pair of rotary blade units (114, 116), whereby the circumferential surfaces of the rotary blade units move downward in a facing region (F114, F116), and a pair of auxiliary rotary blade units (113, 118), each rotating in the same direction as the corresponding rotary blade unit (F113, F118). However, Rota does not disclose a pelletizer. AAPA discloses a prior art reference which teaches a shredder, cut pieces, and a pelletizer in order to form the cut pieces into granular pellets (page 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Rota with a pelletizer in order to form cut pieces into granular pellets.

With regard to claim 2, Rota discloses each of the blades with projecting portions and depressed portions formed alternately along the circumferential direction.

With regard to claims 3 and 6, Rota discloses a screen (123, 124', 125', and 128), whereby remaining cut-pieces are repeatedly treated (column 4, line 17).

Claims 4, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rota (US 5,609,307) in view of AAPA as applied above, further in view of Ionescu (US 3,462,088). Claims 4, 7, and 12 further call for details for the pelletizer. It would be an ordinary engineering to use any well known pelletizer. In a closely related art, Ionescu discloses a pelletizer with a chamber with a screen and a rotary body with a hammer in order to pelletize metallic cut-pieces (column 1, lines 26-32 and 71).

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Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Rota with a pelletizer with a chamber with a screen and a rotary body with a hammer in order to palletize cut-pieces, as taught by Ionescu.

Claims 5, 8, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rota (US 5,609,307) in view of AAPA as applied above, further in view of Perry et al. (US 5,451,033). Claims 5, 8, 10, and 13 further call for a heater. In a closely related art, Perry discloses a heater in order to remove paint in recycling scrap metal or cans (column 1, lines 3-11). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Rota with a heater in order to remove paint in recycling scrap metal or cans, as taught by Perry.

Claims 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rota (US 5,609,307), AAPA, and Ionescu (US 3,462,088) as applied above, further in view of Perry et al. (US 5,451,033). Claims 5, 8, 10, and 13 further call for a heater. In a closely related art, Perry discloses a heater in order to remove paint in recycling scrap metal or cans (column 1, lines 3-11). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide Rota (as modified) with a heater in order to remove paint in recycling scrap metal or cans, as taught by Perry.

### ***Conclusion***

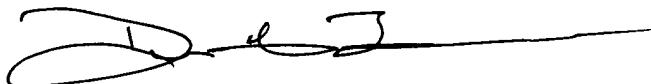
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272

4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-  
Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP



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